



HF 178 - Controlled Substances (Hallucinogenics Added) (LSB 1458 HV)
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Fiscal Note Version - New
Requested by Representative Mascher

Description

House File 178 adds Salvia Divinorum and Salvinorin A to the list of Schedule I controlled substances. The Bill imposes a Class C felony for the manufacture, delivery, or possession with intent to manufacture or deliver and imposes a serious misdemeanor for the possession of Salvia Divinorum and Salvinorin A.

Background

Correctional and Fiscal Information

- Salvia is a psychoactive herb that can induce strong dissociative effects.
- Salvia Divinorum can be chewed, smoked, or ingested in liquid form and produces experiences ranging from laughter to more profound altered states.
- Salvia Divinorum is native to certain areas of the Sierra Mazateca in Oaxaca, Mexico.
- In FY 2008, there were no prison admissions for hallucinogenic drugs.
- In FY 2007, there were seven prison admissions for hallucinogenic drugs.
- According to the Department of Public Health, Substance Abuse and Prevention Division, there have been no reports of abuse of Salvia Divinorum in Iowa, to date.
- The average State cost for one Class C felony ranges from \$6,200 (court costs, indigent defense, and probation) to \$18,800 (court costs with a jury, indigent defense, prison, and parole) for each offender convicted. Additional costs will be incurred across multiple fiscal years for prison and parole supervision.
- The average State cost for one serious misdemeanor ranges from \$180 (court costs) to \$5,600 (court costs including a jury, indigent defense, and prison).
- According to the National Conference of State Legislatures (NCSL), in FY 2008, approximately 12 States had adopted legislation criminalizing the use of Salvia Divinorum and Salvinorin A.

Minority Data Information

The U.S. Census estimate for Iowa was 3.0 million people as of July 1, 2007 (the most current estimates available). Men are 49.3% of the population. Approximately 91.0% of Iowa's population is white. The composition of the remaining 9.0% is: 2.3% black, 0.3% American Indian or Alaska Native; 1.5% Asian; 0.01% native Hawaiian or other Pacific Islander; 3.8% Hispanic or Latino (of any race); and 1.09% is unknown.

Assumptions

Correctional and Fiscal Impact

Prison sentences for hallucinogens are rare in Iowa.

Minority Impact

Approximately 14.0% of Iowa's population has at least one disability. The number of offenders convicted under this Bill who are disabled may be 14.0%.

Summary of Impacts

Correctional Impact

The correctional impact cannot be determined since this is a new crime. However, hallucinogenic drug use in Iowa is uncommon and therefore, the immediate impact is likely to be minimal.

Minority Impact

House File 178 is not likely to have a disproportionate impact on any minority population.

Fiscal Impact

The fiscal impact cannot be determined due to a lack of data; however, the Bill creates a new crime. The cost to the State for one person being convicted of the sale, delivery, or manufacture of Salvia Divinorum or Salvinorin A ranges from \$6,200 to \$18,800 and the impact would cross multiple fiscal years. The cost to the State for one person being convicted of the possession of Salvia Divinorum or Salvinorin A ranges from \$180 to \$5,600.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Governor's Office of Drug Control Policy

/s/ Holly M. Lyons

February 4, 2009

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Section 2.56](#), Code of Iowa. Data used in developing this fiscal note, including correctional and minority impact [information](#) is available from the Fiscal Services Division of the Legislative Services Agency to members of the Legislature upon request.
